

Remarks

The Official Action of February 4, 2005 has been carefully considered. The changes presented herewith, taken with the following remarks, are believed sufficient to place the present application in condition for allowance. Reconsideration is respectfully requested.

Claims 1-16 remain in the present application and are believed to be in condition for allowance. Claim 17 has been added. Claims 1, 9 and 12 have been amended. Support for these claim amendments can be found within the specification and drawings, particularly, for example, in FIG. 6.

As indicated by the Examiner, a provisional election regarding the claims was made by telephone on January 21, 2005. However, because the Examiner decided not to maintain the restriction and examined all of the claims collectively, Applicant presently withdraws the provisional election and believes, as apparently does the Examiner, that the current claims should not be restricted.

Claims 1, 6-10, 12 and 14 are rejected under 35 U.S.C. §102(b) as being anticipated by Wagner (U.S. Patent No. 4,193,434). However, Applicant submits that the fastening system and vehicle bed defined by claims 1, 6-10, 12 and 14 are not anticipated by Wagner. Accordingly, this rejection is traversed and reconsideration is respectfully requested.

Wagner relates to a preassembled bolt and washer, and more particularly, to a fastening system for clamping and securing a plastic workpiece to a supporting workpiece (column 1, lines 7-10). Moreover, Wagner teaches securing a plastic-like workpiece to a lower supporting structure, such as a steel panel having a threaded aperture (column 2, lines 43-46).

In contrast with the teachings of Wagner, the present invention as respectively defined by independent claims 1 and 12 relates to a fastening system and a vehicle bed adapted for mounting on a fastening location of a vehicle and that include, among other components, a

mounting structure operable to be fastened with respect to a securement structure. As shown in Fig. 1 of Wagner, a bolt clamps downwardly on a washer securing a plastic workpiece to a steel panel where the bolt is threaded through the steel panel. Unlike the Wagner device, where the plastic workpiece is attached to the steel panel (the base structure), the present invention as defined by claims 1 and 12 includes both the securement structure and the mounting structure, wherein the mounting structure is operable to be fastened with respect to the securement structure.

Rejection for anticipation or lack of novelty requires, as the first step in the query, that all elements of the claimed invention be described in single reference. Applicant is unable to find any teaching or disclosure by Wagner of a fastening system or vehicle bed having a mounting structure operable to be fastened with respect to a securement structure. The Examiner appears to believe Wagner teaches, particularly in Fig. 5, securement and mounting structures and the claimed bearing member. However, Applicant does not find a mounting structure as presently claimed. Wagner fails to teach the element of a mounting structure, but rather discloses only a securement-like structure mounted to a steel article, but not an intermediate mounting structure. As such, the washer in Wagner does not operate as a bearing member as presently claimed which biases against the securement structure and the mounting structure. Accordingly, the fastening systems and vehicle beds of the present invention are not taught or disclosed by Wagner.

Accordingly, Wagner does not teach or disclose each of the elements of independent claims 1 and 12. For the reasons set forth above and additional reasons not specifically recited herein, it is believed that the rejection under 35 U.S.C. §102(b) is overcome and independent claims 1 and 12, as well as all claims directly or indirectly dependent thereon, are in condition for allowance.

Claims 2-4, 11 and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wagner in view of the Johnson et al. (U.S. Patent No. 5,249,834). The Examiner asserts

that Johnson et al. teach that the problem of fastening a plastic vehicle bed to its metallic substructure is known in the art. Thus, the Examiner contends that it would have been obvious to one having ordinary skill in the art to provide the fastening system of Wagner to a plastic vehicle bed environment of Johnson et al.

Applicant submits however that the fastening systems and vehicle beds defined by claims 2-4, 11 and 16 are nonobvious over and patentably distinguishable from Wagner in view of Johnson et al. This rejection is therefore traversed and reconsideration is respectfully requested.

Johnson et al. relate to utilizing a connecting or tapping plate apparatus for connecting a polymeric composite pickup truck cargo box to a metallic frame of a vehicle (column 1, lines 8-12).

Wagner and Johnson et al., either alone or in any arguable combination, fail to teach or suggest the fastening systems and vehicle beds as set forth in claims 2-4, 11 and 16. Particularly, Wagner in combination with Johnson et al. fail to teach or suggest a fastening system or vehicle bed having a mounting structure operable to be fastened with respect to a securement structure. As previously mentioned, Wagner fails to teach the element of a mounting structure, and the disclosure in Johnson et al. does not rectify this deficiency. Although, Johnson et al. do teach attaching a cargo box to a vehicle, such teaching fails to show the claimed fastening system and vehicle bed adapted for mounting on a fastening location of a vehicle where the securement structure is fastened to the mounting structure.

It is therefore submitted that the present inventive fastening systems and vehicle beds as set forth in claims 2-4, 11 and 16 are non-obvious over and patentably distinguishable from Wagner in view of Johnson et al., whereby the rejection under 35 U.S.C. §103 has been overcome. Reconsideration is respectfully requested.

Claims 5 and 13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wagner as modified by Johnson et al. and Semple et al. (U.S. Patent No. 6,702,365). The Examiner asserts that Semple et al. teach that vehicle bed understructures utilize cross braces. Thus, the Examiner contends that it would have been obvious to one having ordinary skill in the art to provide in Wagner in the environment of Johnson et al. cross braces as taught by Semple et al. in order to strengthen the underbody.

Applicant submits however that the fastening systems and vehicle beds defined by claims 5 and 13 are nonobvious over and patentably distinguishable from Wagner in view of Johnson et al. and Semple et al. This rejection is therefore traversed and reconsideration is respectfully requested.

Semple et al. generally teach a cargo bed assembly secured to and supported by a chassis of a motor vehicle (column 1, lines 41-43).

However, any arguable combination of Wagner, Johnson et al. and Semple et al. fails to teach or suggest the fastening systems and vehicle beds as set forth in claims 5 and 13. Particularly, Wagner in combination with Johnson et al. and Semple et al. fail to teach or suggest a fastening system or vehicle bed having a mounting structure operable to be fastened with respect to a securement structure. As previously mentioned, Wagner and Johnson et al., alone or in combination, fail to teach the element of a mounting structure, and the disclosure in Semple et al. does not rectify this deficiency. Although, Semple et al. do teach supporting the underbody of a vehicle, such teaching fails to show the presently claimed fastening system and vehicle bed adapted for mounting on a fastening location of a vehicle where the securement structure is fastened to the mounting structure.

It is therefore submitted that the present inventive fastening systems and vehicle beds as set forth in claims 5 and 13 are non-obvious over and patentably distinguishable from Wagner in view of Johnson et al. and Semple et al., whereby the rejection under 35 U.S.C. §103 has been overcome. Reconsideration is respectfully requested.

Claim 15 was rejected under 35 U.S.C. §103(a) as being unpatentable over Wagner in view of the Johnson (U.S. Patent No. 6,059,503). The Examiner asserts that it would have been obvious to one having ordinary skill in the art to provide in Wagner a resilient washer as taught by Johnson in order to avoid damage to the plastic substructure.

Applicant submits, however, that the vehicle bed defined by claim 15 is nonobvious over and patentably distinguishable from Wagner in view of Johnson. This rejection is therefore traversed and reconsideration is respectfully requested.

Johnson generally teaches assemblies where the fastener is captivated with the workpiece (column 1, lines 5-7).

Any arguable combination of Wagner and Johnson fails to teach or suggest the fastening systems and vehicle beds as set forth in claim 15. In particular, Wagner in combination with Johnson fail to teach or suggest a vehicle bed having a mounting structure operable to be fastened with respect to a securement structure. Johnson fails to teach the claimed vehicle bed adapted for mounting on a vehicle where the securement structure is fastened to the mounting structure. Thus, as previously mentioned, Wagner fails to teach the element of a mounting structure, and the disclosure in Johnson does not rectify this deficiency.

It is therefore submitted that the vehicle bed as set forth in claim 15 is non-obvious over and patentably distinguishable from Wagner in view of Johnson, whereby the rejection under 35 U.S.C. §103 has been overcome. Reconsideration is respectfully requested.

It is believed that the above represents a complete response to the rejections under 35 U.S.C. §§ 102 and 103 and places the present application in condition for allowance. Reconsideration and an early allowance are respectfully requested.

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